

February 13, 2012

Sponsor: von Reichbauer

khm

Proposed No.: 2011-0227

1 **STRIKING AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2011-**  
2 **0227, VERSION 2**

3 On page 2, beginning on line 20, strike everything through page 100, line 1737, and  
4 insert:

5 " **SECTION 1. Findings:**

6 A. Pacific Raceways, formerly operated as Seattle International Raceways, is on  
7 a three-hundred-twenty-seven acre site located east of Kent and a quarter mile off of State  
8 Highway 18, and has historically consisted of a two and a quarter-mile road course, a  
9 drag strip, a dirt motocross track and a kart track.

10 B. A racetrack has operated on the Pacific Raceways property for over fifty  
11 years. Throughout the various iterations of King County land use planning and  
12 regulation, the existence and operation of the racetrack has been recognized. While no  
13 longer in effect, both the 1979 Soos Creek Community Plan and its 1991 update provide  
14 valuable information about the racetrack. These past Soos Creek Community Plans  
15 acknowledged the challenges of the racetrack being located in a rural area. In 1998, King  
16 County re-adopted the Soos Creek Community Plan policy (F-18) pertaining to what was

17 then referred to as Seattle International Raceway or "SIR." King County's current land  
18 use plans and regulations continue to recognize the historic racetrack use.

19 C. The Pacific Raceways property is located in the Growth Management Act-  
20 designated rural area. The property has a "Rural" land use designation and "Industrial"  
21 zoning. The property has a property-specific development condition (SC-P02), also  
22 known as "P-suffix," condition restricting the use of the property to racing and race  
23 related activities, consistent with comprehensive plan policy CP-1014. It is also subject  
24 to two Conditional Use Permits ("CUP"), File Nos. A-71-0-81 and L08CU006, which  
25 govern current development and operations.

26 D. This ordinance allows safety improvements and uses that are accessory to a  
27 racetrack. These uses are intended to be subordinate to the primary use of the facility as a  
28 racetrack and to primarily provide services to participants in events at the facility and not  
29 to provide services to the general public. Any accessory uses shall be limited as  
30 necessary to comply with the King County Comprehensive Plan and the zoning  
31 conditions that apply to the property. It is not the intent of the council through this  
32 ordinance to allow uses that are inconsistent with the spirit and intent of the GMA or the  
33 King County Comprehensive Plan.

34 E. The owners of Pacific Raceways have indicated that they have invested over  
35 five million dollars since 2002 for improvements and are now seeking to move forward  
36 with a privately funded one hundred and thirty-five-million-dollar rehabilitation and  
37 expansion effort.

38 F. There are currently no specific zoning or land use provisions provided in the  
39 code that easily and efficiently allow for the processing of a complex, multi-year, multi-  
40 phased development proposals.

41 G. The numerous steps currently required for the review of large, complex and  
42 long-term development proposals, such as those proposed for Pacific Raceways, make it  
43 difficult for the county, the applicant and the public to understand and address the myriad  
44 issues that arise during review of these kinds of projects.

45 H. A demonstration project as provided in K.C.C. chapter 21A.55 is intended to  
46 be a mechanism to test and evaluate alternative development standards and processes  
47 before amending King County policies and regulations. The amended standards and  
48 processes could advance county efforts to support wide-scale economic development.

49 I. Specifically, K.C.C. 21A.55.010 states, "Alternative development standards  
50 might include standards affecting building and/or site design requirements. Alternative  
51 processes might include permit review prioritization, alternative review and revision  
52 scheduling, or staff and peer review practices."

53 J. During the council review of Proposed Ordinance 2010-0189, members of the  
54 public testified that the implementation and enforcement of the conditions of CUP File  
55 Nos. A-71-0-81 and L08CU006 has been inconsistent over the years.

56 K. A "master planning" demonstration project is an opportunity to:

57 1. Implement specific requirements governing the future design and operation of  
58 Pacific Raceways;

59 2. Test a multi-phased process that will ensure public opportunity to provide  
60 input on the proposed future development and operating standards;

- 61           3. Allow the cumulative impacts of a proposed development to be considered  
62 and addressed;
- 63           4. Better guide the future development of the facility;
- 64           5. Institute an on-going council review and monitoring process to ensure  
65 compliance with this ordinance and the executed development and operating agreement;  
66 and
- 67           6. Institute a process that increases long-term predictability.

68           L. The 1990 Soos Creek Basin Plan shows the raceway within a recommended  
69 one-quarter mile rural corridor recommended for major streams. The council recognizes  
70 the need to protect the water quality of salmon-bearing streams in the vicinity of the  
71 project site, such as Big Soos and Soosette Creeks, as well as valuable facilities like the  
72 Soos Creek Hatchery that rely upon the maintenance of water quality in those water-  
73 bodies. In order to ensure that protection, this ordinance requires any proposed  
74 development of the site to comply with stringent surface water retention, infiltration and  
75 monitoring requirements, as well as, to establish a critical area buffer from Soosette  
76 Creek.

77           M. The council determines, based on the potential uses that may be included in  
78 the master planning proposal, there is likely significant adverse environmental impact  
79 necessitating the preparation of an environmental impact statement, in accordance with  
80 RCW chapter 43.21C and WAC chapter 197-11.

81           N. The property owner's participation in this demonstration project is voluntary.  
82 The county has had success with demonstration projects in the pasts. However, in

deciding to initiate the master planning process, the property owner will be taking on risks associated with an untested process. The property owner has the option of pursuing development approval through a more traditional process.

SECTION 2. The King County executive shall conduct a demonstration project to create and evaluate a master planning process as provided for in, and consistent with, section 3 of this ordinance.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows.

- A. The purpose of the master planning process demonstration project is to:
1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:
    - a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during project review and facility operation;
    - b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:
      - (1) a clearly-defined project through a master development plan, which shall include a master site plan;
      - (2) requirements that must be met before approval of each phase of development; and
      - (3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, non-racing uses and number and types of events; and
    - c. establishing a process that ensures timely and efficient review;

106           2. Utilize the hearing examiner, as authorized in section 4 of this ordinance, to  
107   function as a special master for the purpose of fact finding and reporting on compliance  
108   by the applicant with the executed development and operating agreement, as provided in  
109   subsection S. of this section; and

110           3. Provide for ongoing monitoring of the executed development and operating  
111   agreement by the council to ensure continued future compliance with the executed  
112   development and operating agreement.

113           B. The master planning process demonstration project shall be implemented only  
114   for a regional motor sports facility only on the Pacific Raceways property as described in  
115   Attachment A to this ordinance.

116           C. The master planning demonstration project shall be initiated by the applicant  
117   making a written request to the department for a preapplication meeting to identify the  
118   requirements necessary for a complete application under this section.

119           D. A master planning proposal application shall be considered complete when the  
120   following information and studies have been submitted and are adequate to review the  
121   proposal:

122           1. A proposed development plan that describes the nature, size and scope and  
123   phasing of all proposed activities;

124           2. A proposed site plan that identifies the location and dimensions of proposed  
125   racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage  
126   treatment or holding facilities and any off-site traffic improvements;

127           3. A proposed master drainage plan under the surface water design manual;

128           4. A proposed grading plan that identifies or includes:

129 (a) land contours;  
130 (b) soil types;  
131 (c) phasing;

132 5. Proposed development conditions relating to:

133 (a) on-site vehicle circulation and off-site traffic control measures;  
134 (b) protection for critical areas, especially adjacent to Soosette Creek;  
135 (c) stormwater flow control and water quality treatment;  
136 (d) visual screening from adjoining residential properties;  
137 (e) on-going monitoring and reporting to measure compliance with the  
138 development and operating agreements;

139 (f) fire protection; and  
140 (g) water supply and service.

141 6. Proposed operating conditions that specify:

142 (a) days and hours of operation;  
143 (b) frequency of events;  
144 (c) types of activities, including types of motor vehicles; and  
145 (d) maximum noise levels; and

146 7. Any necessary information identified through the preapplication process.

147 E. The development and operating agreement shall contain development  
148 standards and operating conditions related to the development and operation of the site  
149 and shall include, but shall not be limited to:

150 1. A master site plan and detailed conditions establishing the:

151 a. location and scope of proposed land uses;

152           b. location and size of buildings and structures such as grandstands;  
153           c. layout and dimensions of racing surfaces and circulation roadways;  
154           d. site elevations and contours established by a master grading plan;  
155           e. excavation and processing of materials, including dust control, during  
156 construction of the facilities; and  
157           f. location and dimensions parking areas;  
158           g. location of stormwater facilities, sewage treatment facilities, water, and  
159 related features;  
160           h. vegetative screening required in subsection F.1. of this section;  
161           2. A master drainage plan consistent with the surface water design manual;  
162           3. A project phasing plan, including threshold requirements that must be met  
163 before approval of the next phase of development;  
164           4. Specified types of racing and non-racing activities, and where on the site the  
165 activities can occur;  
166           5. Specified days and times for all racing and non-racing uses;  
167           6. Specified noise levels for racing and non-racing uses, including but not  
168 limited to, how noise levels will be measured and mitigated;  
169           7. Specified on-site vehicle circulation and other traffic control measures to  
170 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;  
171           8. Specified development conditions to ensure that permitted alterations  
172 provided for in subsection G. of this section achieve the appropriate level of protections;  
173           9. Specified development conditions to ensure that stormwater flow control and  
174 water quality treatment provided for in subsection H. of this section is achieved;

10. Specified regular on-going monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Soosette Creek;

11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in subsection S. of this section; and

12. Specified enforcement actions available to the county to address non-compliance with the conditions of the development agreement.

F. All development under the master plan shall be subject to the following standards relating to screening and building setbacks:

1. As provided in K.C.C. 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

a. Retention of existing vegetation; and

b. Placement of new vegetation to augment existing vegetation.

2. The director may waive the building setbacks of K.C.C. 21A.12.040 for buildings with a roof constructed at or below grade of adjacent residential property that use green roof technology and that provides open space and recreation facilities for use by the public.

G. 1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

198           2. The department may approve alterations to critical areas, critical areas buffers  
199 and critical area setbacks that are not otherwise allowed as an alteration exception under  
200 K.C.C. 21A.24.070 when the applicant demonstrates that:

201           a. The proposal does not pose an unreasonable threat to the public health,  
202 safety or welfare on or off the site;

203           b. The proposed impacts to critical areas, critical area buffers and critical area  
204 setbacks shall be controlled and compensated for in accordance with the requirements of  
205 K.C.C. 21A.24.125;

206           c. For proposed alterations within steep slope or landslide areas:

207               (1) the alterations are necessary to bring existing racing or access road  
208 surfaces into compliance with applicable racing association safety standards, - or to  
209 construct noise barriers or for the placement of spectator seating on the interior portion of  
210 the road course; and

211               (2) the alterations can be constructed to maintain the stability of the hazard  
212 area through the use of structural mitigations identified through a geotechnical analysis  
213 by a licensed and qualified geotechnical professional; and

214           d. For proposed alterations to wetlands or aquatic areas and their buffers:

215               (1) the alterations are necessary to comply with applicable racing association  
216 safety standards either for existing racing surfaces or for providing to emergency vehicles  
217 access roads to the existing racing surfaces;

218               (2) the alterations to any wetland shall be mitigated in accordance with an  
219 approved mitigation plan by relocating the wetland into a new wetland, with equivalent

or greater functions, or into an existing wetland at the ratios specified in K.C.C.

21A.24.340 based on the type of mitigation measures proposed; and

(3) the alterations under this subsection are not within a buffer averaging not less than three hundred feet of the ordinary high water mark of Soosette Creek.

H. Uses proposed under the master planning proposal shall comply with the King County surface water design manual and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos and Soosette Creeks and operation of the Soos Creek Hatchery, while protecting groundwater quality. The department shall consider the proposed use in determining whether spill control or special oil control measures in excess of the King County surface water design manual requirements are necessary to achieve the required environmental protections;

2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on- site and in Big Soos and Soosette Creeks;

4. Conduct flow monitoring in Big and Soosette Creeks before, during and after construction to ensure that normal or pre-existing flows are being maintained.

5. Conduct biotic monitoring in Big Soos and Soosette Creeks before, during and after construction;

243           6. If the department determines it to be environmentally beneficial and if it is in  
244 compliance with the surface water design manual requirements for discharge to the  
245 natural location and is approved through an adjustment, channel surface water from  
246 impervious surfaces, including buildings, structures, pit areas or raceways to drain away  
247 from Soosette Creek and evaluate any impacts to Big Soos and Soosette Creeks and to  
248 the alternative discharge location; and

249           7. Develop and implement an adaptive management program to correct any  
250 flow, surface or ground water quality, or biotic problem in Big Soos or Soosette Creeks  
251 caused by the development.

252           I. Site development that entails extraction and grading of soils to achieve the final  
253 site contours for development shall be subject to the following limits:

254           1. The amount of materials that may be extracted during any specific phase of  
255 project construction shall be only as necessary to construct that phase of the project  
256 approved for construction; and

257           2. The on-site processing of the extracted materials shall be limited to the  
258 sorting of the material into separate dirt, sand, and gravel components.

259           J. The master planning proposal shall include site designs and features to reduce  
260 the level of noise impacts upon nearby residential neighborhoods.

261           K. The department shall:

262           1. Schedule and conduct a pre-application meeting with applicant within thirty  
263 days of the request for such a meeting by the applicant in order to identify the full range  
264 of potential issues related to the proposed expansion of Pacific Raceways and to  
265 specifically list information or studies needed to adequately evaluate the listed issues.

266           2. Provide to the applicant a detailed listing of all project issues and necessary  
267 information or studies required under subsection D. of this section within thirty days after  
268 the date of the pre-application meeting;

269           3. Accept for filing a master planning proposal application submitted by the  
270 applicant only if it provides the information and studies required by subsection K.2;

271           4. Determine whether the master planning proposal is a complete application  
272 under this section and K.C.C. 20.20.050;

273           5. Provide a notice of a complete application under K.C.C. 20.20.060B. In  
274 addition to notice required under K.C.C. 20.20.060B, the department shall provide mailed  
275 notice to:

276           a. all parties of record, including community groups or organizations,  
277 established during the review of CUP File Nos. A-71-0-81 and L08CU006, Proposed  
278 Ordinance 2010-0189 or this ordinance;

279           b. persons requesting notification of any county land use action regarding  
280 Pacific Raceways; and

281           c. residents or property owners of parcels located within twenty-five hundred  
282 feet of the boundaries of the Pacific Raceways site;

283           6. Not later than seven days after the applicant has filed with the department its  
284 master planning proposal, issue a determination of significance and proceed with the  
285 environmental review of the master planning proposal under section 6 of this ordinance;

286           7. Conduct one or more public meetings on the master planning proposal  
287 application to gather information and public input on all aspects of the master planning  
288 proposal. The first meeting shall be held within thirty days after the applicant has filed

its master planning proposal application with the department and may be combined with a public meeting required under section 5.D.4 of this ordinance. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal application and shall provide an opportunity for the applicant to respond to questions at each public meeting.

8. Issue the final environmental impact statement within eighteen months of either issuing to the applicant a notice of complete application or the master planning proposal is deemed a complete application under K.C.C. 20.20.050B. The consultant may request additional time to prepare the final environmental impact statement;

9. Not later than thirty days after the final environmental impact state is issued, propose for public review and comment a development and operating agreement consistent with this section. The department shall provide notice of the proposed development and operating agreement in the same manner as it provided the notice of application under subsection K.5. of this section. The department shall present the proposed development and operating agreement at a public meeting within fourteen days after the notice is provided under this subsection K.9.;and

10. Within sixty days after the public meeting required by subsection K.9. of this section:

311           a. transmit to the hearing examiner the department's recommended  
312 development and operating agreement, together with a proposed ordinance authorizing  
313 the executive to execute the development and operating agreement;

314           b. publish its recommended development and operating agreement on the  
315 department's website; and

316           c. provide notice of its recommended development and operating agreement in  
317 the same manner as it provided the notice of application under subsection K.5.a. through  
318 c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The  
319 notice shall also advise :

320           (1) that the department's recommendation is subject to an open record public  
321 hearing before the hearing examiner;

322           (2) the date that the department's recommendation has been transmitted to the  
323 hearing examiner; and

324           (3) that interested persons may appear as parties at the open record public  
325 hearing by filing a notice of appearance with the hearing examiner within fourteen days  
326 of the date that the department's recommendation has been transmitted to the hearing  
327 examiner. The applicant will be presumed to be a party without having to file a notice of  
328 appearance.

329           L.1. Prior to the transmittal of the department's recommended development and  
330 operating agreement to the hearing examiner, the transportation, economy and  
331 environment committee or its applicable successor may request reports or briefings from  
332 the department and applicant regarding how the demonstration project is proceeding.

333 The department shall solicit input from those identified in subsection K.5.a. through c. of  
334 section to inform the committee in the report and briefing.

335 2. If the department or the applicant is unable to meet a timeline established by  
336 this section as part of the process for review of the master planning proposal, the  
337 department shall provide written notice to the council within fourteen days after the  
338 missed deadline in the form of a letter to the chair of transportation, economy and  
339 environment committee or its applicable successor describing the causes for the delay,  
340 and the steps or actions needed to be taken by the department or the applicant to continue  
341 timely processing of the proposal.

342 M.1. No sooner than fourteen days after receiving the department's recommended  
343 development and operating agreement, the hearing examiner shall set the date for the  
344 prehearing conference and notify the parties of interest.

345 2. Unless otherwise agreed to by those that appear as parties, the hearing  
346 examiner shall conduct an open record public hearing within ninety days of the pre-  
347 hearing conference and, if necessary, shall hold the public hearing over consecutive days.

348 3. When the hearing examiner sets the department's recommended development  
349 and operating agreement for an open record public hearing, the department shall  
350 coordinate and assemble the reviews of other departments and governmental agencies  
351 having an interest in the application and shall prepare a report summarizing the factors  
352 involved and the department's recommendation. At least fourteen calendar days prior to  
353 the scheduled hearing, the department shall file the report with the hearing examiner and  
354 mail copies to those identified in subsection K.5.a. through c. of section.

355           4. The hearing examiner's recommendation may be to approve or reject the of  
356 the department's recommended development and operating agreement , or the examiner  
357 may recommend that the council adopt the department's recommended development and  
358 operating agreement with such conditions, modifications and restrictions as the examiner  
359 finds necessary to carry out applicable state laws and regulations and the regulations,  
360 including chapter 43.21C RCW, policies, objectives and goals of the comprehensive plan,  
361 the zoning code and other official laws, policies and objectives of King County.

362           5. Within fourteen days after the conclusion of the open record public hearing,  
363 the hearing examiner shall issue a written recommendation and shall transmit a copy  
364 thereof to all persons who appeared as parties in the open record public hearing. The  
365 recommendation shall include findings of fact and conclusions from the record which  
366 support the decision and the findings and conclusions shall set forth and demonstrate the  
367 manner in which the recommendation is consistent with, carries out and helps implement  
368 applicable state laws and regulations, the regulations, policies, objectives and goals of the  
369 comprehensive plan and this ordinance.

370           6. To appeal the hearing examiner's recommendation, an aggrieved party must  
371 file a notice of appeal with the clerk of the council within fourteen days of the date of the  
372 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing  
373 examiner and the parties of record to the hearing examiner's open record public hearing in  
374 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on  
375 the council's web page the notice of the appeal. The appellant shall file a statement of  
376 appeal with the clerk within twenty-one days of filing its notice of appeal, together with  
377 proof of service of the statement of appeal to the other parties of record. The statement of

378 appeal must specify the basis for the appeal and any arguments in support of the appeal.  
379 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk  
380 shall cause to have the statement of appeal posted on the council's web page. Any  
381 written responsive statements or arguments to the appeal, together with proof of service  
382 on the other parties of record, must be filed with the clerk within fourteen days after the  
383 filing of the statement of appeal. The clerk shall cause to have these responsive  
384 statements and arguments posted on the council's webpage.

385           7. At least fourteen days prior to the closed record hearing by the council of the  
386 appeal, the clerk will provide the parties of record with written notice of the hearing time  
387 and date. The council's consideration of the appeal shall be based upon the record as  
388 presented to the hearing examiner at the open record public hearing and upon written  
389 appeal statements and arguments submitted by the parties that are based on the open  
390 record public meeting. The council may allow the parties to the appeal a period of time  
391 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at  
392 the appeal hearing and upon the request of the council, county staff may provide a written  
393 or oral summary, or both, of the appeal record, issues and arguments presented in an  
394 appeal and may provide answers, based on the record, to questions with respect to issues  
395 raised in an appeal asked by council members at the appeal hearing . Nothing in this  
396 subsection shall be construed as limiting the ability of the council to seek and receive  
397 legal advice regarding a pending appeal from the office of the prosecuting attorney or  
398 other county legal counsel either within or outside of the hearing.

399           8. If, after consideration of the record, written appeal statements and any oral  
400 argument the council determines that:

a. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. The recommendation of the hearing examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the hearing examiner.

9. a. The council's final action on any recommendation of the hearing examiner shall be by ordinance, which shall include findings of fact and conclusions from the record of the hearing examiner's public hearings. The findings and conclusions shall set forth and demonstrate the manner in which the council's decision is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and this ordinance. The council may adopt as its own all or portions of the hearing examiner's findings and conclusions.

b. Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective. The ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted. The council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period.

N. If the hearing examiner's recommendation is not appealed pursuant to subsection M. of this section:

1. The clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting for adoption;

2. No final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance which amends or reverses the examiner's recommendation;

3. The council may either:

a. Refer the matter to the transportation, economy and environment or its successor for further consideration deemed necessary before the council takes final action on the matter or remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. Adopt the hearing examiner's recommendation by an ordinance satisfying the requirements of subsection M.9. of this section.

4. Any final action by the county council may be reconsidered by the council pursuant to K.C.C. 20.24.250; and

5. Any appeal of the council's final action shall comply with the requirements of K.C.C 20.24.240.A.

O.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this section shall prospectively control the operations and design for the site and supersede the design and operating conditions

established under CUP File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under CUP File Nos. A-71-0-81 and L08CU006 regarding activities that occurred prior to the execution of a development agreement shall not be affected.

2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months prior to the expiration of the agreement. The department shall provide a notice of the renewal request under subsection K.5.a. through c. of this section and shall conduct at least one public meeting on the request as provided in subsection K.7. of this section.

c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days prior to the expiration of the development and operating agreement.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to laws in effect at the time the subsequent application is filed.

P. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to subsequent permits necessary for the uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete application for any permits necessary for a use authorized by the development and operating agreement shall apply:

a. surface water management standards under K.C.C. Title 9, but only to the extent required by federal or state legal requirements, including the county's NPDES permit in effect on the date of the subject permit application. Absent such a federal or state requirement, the county's surface water management standards shall be applied pursuant to the provision of subsection Q.1;

b. road standards under K.C.C. Title 14;

c. building codes under K.C.C. Title 16;

d. fire codes under K.C.C. Title 17; and

e. public health and safety codes under K.C.C. Title 13.

R. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the

development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection K.5.a. through c. of this section. The department shall submit to the hearing examiner its recommendation on the request not later than August 1.

S. The hearing examiner shall conduct the following annual monitoring and reporting activities for the council:

1. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection K.5.a. through c. of this section.

2. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

- a. describes the current status of the phases of the development;
- b. evaluates compliance with development and operation agreement conditions during the preceding year;
- c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;

d. evaluates proposed modifications to the development and operating agreement; and

e. outlines potential steps to ensure compliance with the development and operating agreement.

3. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

T. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The department shall solicit comments from the applicant, the hearing examiner, and the public, identified in subsection K.5.a. through c. of this section, on the master planning process and include a synopsis of those comments in the report.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.24 a new section to read as follows:

The hearing examiner shall receive and examine available information, conduct public meetings and prepare records and reports thereof for transmittal to the council, as provided in subsections 3.M. and 3.S. of this ordinance.

SECTION 5. A. As authorized by WAC 197-11-420, the department and the applicant shall utilize the process set forth in this subsection to select a consultant who

will be responsible for preparing the environmental impact statement required by section 6 of this ordinance.

1. Within sixty days after the effective date of this ordinance, the department shall develop a list of selected consultants, determined by the department to be qualified to prepare the EIS for a project of the scope and complexity that is allowed under section 3 of this ordinance. As part of that qualification process, the department shall advise the potential consultant candidates of the special circumstances of this demonstration project, including the unique selection and contracting procedures.

2. Within seventy-five days after the effective date of this ordinance, the department shall post on its webpage the names of candidates the department has pre-qualified in accordance with subsection 5.A.1 of this section.

3. By the latter of either fourteen days of the webpage posting, as required by subsection A.2. of this section, or by the date of the pre-application meeting, , the applicant shall notify the department in writing of its selection of a consultant from the posted list. Failure to choose a consultant in accordance with this section shall authorize the department to choose a consultant from the list.

4. The department shall choose a consultant within seven days of receiving authority from the applicant.

5. Within seven days of the consultant selection, the department shall initiate contract negotiations with the selected consultant. If the applicant advises the department that it wants to participate in the contract negotiations, the department shall coordinate with the applicant to ensure that the applicant may have meaningful participation in the contract negotiations. A contract for services with the selected consultant shall include a

558 termination for convenience clause that allows the consultant to terminate the agreement  
559 if a notice to proceed is not issued by either the applicant or the department within thirty  
560 days of contract execution by the department; provided however, the department is not  
561 authorized to execute the services contract if there is an appeal of a code enforcement  
562 complaint that is pending before the hearing examiner. Within five days of its execution,  
563 the department shall provide the applicant with a copy of the fully executed consultant  
564 contract.

565         B. The selected consultant shall be retained by the department, and all costs for  
566 the services of the consultant and sub-consultants shall be paid by the applicant.

567         C. The consultant shall not initiate the SEPA scoping process until the hearing  
568 examiner has rendered a decision on any appeal of a code enforcement complaint  
569 involving the site.

570         D. The consultant shall have the following responsibilities:

571             1. Initiate the scoping process of the SEPA review based on the consultant's  
572 determination that the master planning proposal application filed with the department  
573 under subsection 3.D. of this ordinance addresses each of the elements required in  
574 subsection 3.D. of this ordinance with sufficient information upon which the principal  
575 features of the master planning proposal and their environmental impacts can be  
576 reasonably identified.

577             2. Coordinate the scoping process, as provided in WAC 197-11-410(1)(c), and  
578 prepare the scoping documents in consultation with the department and the applicant in  
579 accordance with WAC 197-11-408. The consultant shall hold at least one public meeting  
580 as required by subsection D.4. of this section;

581           3. Select and retain sub-consultants to assist in the preparation of the  
582 environmental impact statement;

583           4. Conduct one or more public meetings on the environmental impact of the  
584 master planning proposal, pursuant to WAC 197-11-535. The first meeting shall be held  
585 within thirty days after the consultant initiates the scoping process under subsection D.1  
586 of this section. This first meeting may be held jointly with the department's first meeting  
587 as required by subsection 3.K.7 of this ordinance. The consultant shall coordinate with  
588 the department to ensure that those persons identified in subsection 3.K.5.a. through c. of  
589 this ordinance receive notice of any public meeting on the environmental impacts of the  
590 master planning proposal.

591           5. Coordinate with the department to ensure that the consultant receives the  
592 applicant's master planning proposal submittals in a timely manner;

593           6. Coordinate with the department to ensure that the consultant receives all  
594 public comments in a timely manner;

595           7. Maintain a log of all oral and written comments received and provide them  
596 periodically to the department and applicant;

597           8. Coordinate with the department in providing any public notice required under  
598 the applicable provisions of section 3 of this ordinance, section 6 of this ordinance, this  
599 section, WAC chapter 197-11 and King County Code Chapter 20.44;

600           9. Present the draft environmental impact statement to the department and the  
601 applicant no later than nine months after the first public meeting on the environmental  
602 impact of the master planning proposal has been held; and

10. Present the final environmental impact statement to the department and the applicant no later than sixty days after the close of the applicable comment period on the draft environmental impact statement, unless the consultant determines that additional time is needed, based upon the nature and extent of comments received.

SECTION 6. An environmental impact statement shall be prepared for the proposed expansion of Pacific Raceways, subject to the following:

A. The department shall be the lead agency with the responsibility of determining the adequacy of and issuing the draft and final environmental impact statement;

B. A noise study shall be required;

C. Subject to the requirements and limitations of WAC chapter 197-11, the environmental impact statement shall review the potential new impacts that may occur over and above those impacts currently allowed pursuant to the conditions of CUP File Nos. A-71-0-81 and L08CU006.

D. The "No Action" alternative of the environmental impact statement shall reflect the existing development of the Pacific Raceways site;

E. The public comment period for the draft environmental impact statement shall be limited to thirty days, unless the consultant recommends an extension; and

F. The department and the applicant shall submit only one set of comments to the consultant during the public comment period.

NEW SECTION. SECTION 7. A new section is hereby added to K.C.C. chapter 27.02 to read as follows:

A. The application for a master planning demonstration project under section 3 of this ordinance shall be subject to the provisions of this title applicable to the project

management program. King County shall be compensated at the hourly rate in effect when the work is performed and for all costs incurred by King County related to the review and monitoring of the demonstration project, including, but not limited to costs for the:

1. Review of the master planning application;
  2. Review of environmental documents submitted to the department by the consultant selected pursuant to section 5 of this ordinance;
  3. Preparation and issuance of the department-recommended development and operating agreement;
  4. Issuance of public notices;
  5. Conduct of meetings;
  6. Response to public inquiries related specifically to such notices and meetings;
- and
7. Monitoring of the approved development and operating agreement.

B. The review costs for permit applications and studies related to specific development proposals consistent with the development and operating agreement shall be governed by this title.

C. The costs from the consultant selected pursuant to section 5 of this ordinance and billed to the department shall be paid by the applicant and shall be governed by this title.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Racetrack: an establishment offering services and uses located in:

649           A. SIC Industry No. 7948; or

650           B. A regional motor sports facility.

651           NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06  
652 a new section to read as follows:

653           Regional motor sports facility. A racetrack established through a master planning  
654 demonstration project that may include only the following uses:

655           A. Motor vehicle racing and driving, subject to the conditions established by the  
656 master planning demonstration project, and shall not exceed the following racing  
657 surfaces:

- 658           1. A road course;
- 659           2. A kart course;
- 660           3. A motocross course;
- 661           4. Five-sixteenth-mile oval track; and
- 662           5. Up to two drag strips; and

663           B. The following accessory uses, if authorized by the master planning  
664 demonstration project, shall be subject to the conditions established in the development  
665 and operating agreement:

- 666           1. Fire station;
- 667           2. Driving school; and
- 668           3. Police and fire safety training; and

669           C. Limited uses accessory to racing activities may be allowed. Any accessory  
670 uses shall be limited to racing and racing-related vehicle uses and shall be appurtenant to  
671 the facility by providing either a service or product only to the facility or require use of

672 the facility in connection with the use. Assembly-line or mass production, including but  
 673 not limited to vehicles and vehicle parts, permanent lodging facilities and general  
 674 commercial, industrial and manufacturing uses are not permitted. Accessory uses are  
 675 limited to the following:

- 676 1. On-site sale of racing- or event-related items;
- 677 2. Repair, service, modification or storage of motor vehicles used primarily at  
 678 the facility;
- 679 3. Custom fabrication of racing motor vehicles or vehicles parts to be  
 680 incorporated into racing motor vehicles.
- 681 4. Motor vehicle fuel sales for event participants;
- 682 5. Daycare for people employed at the facility and event participants and  
 683 spectators;
- 684 6. Food service and concessions for event participants and spectators; and
- 685 7. Short-term recreational vehicle parking for persons attending or participating  
 686 in events at the facility.

687 **SECTION 10.** Ordinance 10870, Section 337, as amended, and K.C.C.

688 21A.08.100 are each amended to read as follows:

689 A. Regional land uses.

KEY	Z    O	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U

		N E	C U L T U R E	S T A L	R A L	L	N R V E	N D E N T I A L	H N B E N E F I C I A L	U N I T S Y	O N E N E S S	C E T R I A L	S T R I A L
<b>SIC#</b>	<b>SPECIFIC LAND USE</b>	<b>A</b>	<b>F</b>	<b>M</b>	<b>RA</b>	<b>UR</b>	<b>R1- 8</b>	<b>R12 -48</b>	<b>NB</b>	<b>CB</b>	<b>RB</b>	<b>O</b>	<b>I (15)</b>
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource		S	S	S	S	S	S	S	S	S	S	S

	Recovery Facility												
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	<u>Regional Motor Sports Facility</u>												<u>P</u>
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P

*	Zoo Animal Breeding Facility	P16	P16		P16								
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development											
<b>REFERENCES:</b>		Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 690           B. Development conditions.
- 691           1. Except technical institutions. See vocational schools on general services land
- 692 use table, K.C.C. 21A.08.050.
- 693           2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
- 694           3. Except weapons armories and outdoor shooting ranges.
- 695           4. Except outdoor shooting range.
- 696           5. Only in conjunction with an existing or proposed school.
- 697           6.a. Limited to no more than three satellite dish antennae.
- 698           b. Limited to one satellite dish antenna.
- 699           c. Limited to tower consolidations.
- 700           7. Limited to landing field for aircraft involved in forestry or agricultural
- 701 practices or for emergency landing sites.
- 702           8. Except racing of motorized vehicles.
- 703           9. Limited to wildlife exhibit.
- 704           10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 705           11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 706 21A.32.
- 707           12. Limited to cogeneration facilities for on-site use only.

708 13. Excluding impoundment of water using a dam.

709 14. Limited to facilities that comply with the following:

710 a. Any new diversion structure shall not:

711 (1) exceed a height of eight feet as measured from the streambed; or

712 (2) impound more than three surface acres of water at the normal maximum

713 surface level;

714 b. There shall be no active storage;

715 c. The maximum water surface area at any existing dam or diversion shall not

716 be increased;

717 d. An exceedance flow of no greater than fifty percent in mainstream reach

718 shall be maintained;

719 e. Any transmission line shall be limited to a:

720 (1) right-of-way of five miles or less; and

721 (2) capacity of two hundred thirty KV or less;

722 f. Any new, permanent access road shall be limited to five miles or less; and

723 g. The facility shall only be located above any portion of the stream used by

724 anadromous fish.

725 15. For I-zoned sites located outside the urban growth area designated by the

726 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.

727 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be

728 prohibited. All other uses, including waste water treatment facilities, shall be subject to

729 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

730           16. The operator of such a facility shall provide verification to the department of  
731 natural resources and parks or its successor organization that the facility meets or exceeds  
732 the standards of the Animal and Plant Health Inspection Service of the United States  
733 Department of Agriculture and the accreditation guidelines of the American Zoo and  
734 Aquarium Association.

735           17. The following provisions of the table apply only to major communication  
736 facilities minor communication facilities shall be reviewed in accordance with the  
737 processes and standard outlined in K.C.C. chapter 21A.26.

738           18. Only for facilities related to resource-based research.

739           19. Limited to work release facilities associated with natural resource-based  
740 activities.

741           20. Limited to projects which do not require or result in an expansion of sewer  
742 service outside the urban growth area, unless a finding is made that no cost-effective  
743 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
744 the needs of the school bus base and serving only the school bus base may be used.  
745 Renovation, expansion, modernization or reconstruction of a school bus base is permitted  
746 but shall not require or result in an expansion of sewer service outside the urban growth  
747 area, unless a finding is made that no cost-effective alternative technologies are feasible,  
748 in which case a tightline sewer sized only to meet the needs of the school bus base.

749           21. Only in conformance with the King County Site Development Plan Report,  
750 through modifications to the plan of up to ten percent are allowed for the following:

751           a. building square footage;

752           b. landscaping;

753 c. parking;

754 d. building height; or

755 e. impervious surface.

756 22. A special use permit shall be required for any modification or expansion of  
757 the King County fairgrounds facility that is not in conformance with the King County  
758 Site Development Plan Report or that exceeds the allowed modifications to the plan  
759 identified in subsection B.21 of this section.

760 23. The facility shall be primarily devoted to rural public infrastructure  
761 maintenance and is subject to the following conditions:

762 a. The minimum site area shall be ten acres, unless the facility is a reuse of a  
763 public agency yard;

764 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
765 between any stockpiling or grinding operations and adjacent residential zoned property;

766 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
767 between any office and parking lots and adjacent residential zoned property;

768 d. Access to the site does not use local access streets that abut residential zoned  
769 property, unless the facility is a reuse of a public agency yard;

770 e. Structural setbacks from property lines shall be as follows:

771 (1) Buildings, structures and stockpiles used in the processing of materials  
772 shall be no closer than:

773 (a) one hundred feet from any residential zoned properties, except that the  
774 setback may be reduced to fifty feet when the grade where the building or structures are  
775 proposed is fifty feet or greater below the grade of the residential zoned property;

(b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;

(c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

(2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

a. motocross;

b. autocross;

c. skidpad;

d. garage;

e. driving school; and

f. fire station."

